



April 28, 2026

[REDACTED]

RE: [REDACTED] v. WV DoHS/BFA  
ACTION NO.: 26-BOR-1595

Dear [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Human Services. These same laws and regulations are used in all cases to ensure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Lori Woodward, J.D.  
Certified State Hearing Officer  
Member, State Board of Review

Encl: Recourse to Hearing Decision  
Form IG-BR-29

cc: Anna Yoder, WV DoHS/BFA

**WEST VIRGINIA OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW**

[REDACTED]

**Appellant,**

v.

**ACTION NO.: 26-BOR-1595**

**WEST VIRGINIA DEPARTMENT OF HUMAN SERVICES  
BUREAU FOR FAMILY ASSISTANCE,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for [REDACTED]. This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on April 22, 2026.

The matter before the Hearing Officer arises from the Respondent's March 18, 2026 decision to terminate Supplemental Nutrition Assistance Program (SNAP) benefits due to the Appellant having received SNAP benefits for the first three-month period without meeting the Able-Bodied Adult Without Dependents (ABAWD) work requirement or being exempt and for failure to register with WorkForce West Virginia (WFWV).

At the hearing, the Respondent appeared by Anna Yoder, Economic Service Supervisor. The Appellant was self-represented. The witnesses were placed under oath and the following documents were admitted into evidence:

**Department's Exhibits:**

- D-1 Hearing Summary
- D-2 Combined Work Notice (CWN1), dated December 30, 2025
- D-3 Notice of work requirement penalty (AE06), dated March 18, 2026
- D-4 Notice of SNAP closure, dated March 18, 2026

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant applied for SNAP benefits for an assistance group (AG) of 1 on December 12, 2025.
- 2) The Appellant is considered an ABAWD for SNAP benefit purposes.
- 3) On December 17, 2025, the Appellant underwent a SNAP interview.
- 4) During the SNAP interview, the Respondent's worker explained ABAWD and WFWV registration requirements and exemptions to the Appellant.
- 5) After the interview, the Respondent sent a DIMA-1 (Disability/Incapacity Medical Assessment) form to the Appellant on December 17, 2025, and pended his SNAP case.
- 6) The Respondent determined that the DIMA-1 had not been returned and approved the Appellant's SNAP benefits and sent notification of SNAP work rules to the Appellant on December 30, 2025.
- 7) The December 30, 2025 notification included an explanation that the Appellant was required to register with WFWV by January 28, 2026, and that he must notify the Respondent once he complied. (Exhibit D-2)
- 8) On March 17, 2026, the Respondent determined that the Appellant had not complied with work requirements and was an ABAWD who received his first three-month period of SNAP benefits without meeting the work requirement or being exempt. (Exhibits D-3 and D-4)
- 9) The Appellant received SNAP benefits without meeting the work requirement or being exempt for the months of January, February, and March, 2026.
- 10) The Respondent applied a first work requirement penalty against the Appellant for his failure to register with WFWV or to meet an exemption. (Exhibit D-3)

### **APPLICABLE POLICY**

**Code of Federal Regulations, 7 CFR §273.7, provides in pertinent parts:**

(a) Work requirements.

(1) As a condition of eligibility for SNAP benefits, each household member not exempt under paragraph (b)(1) of this section must comply with the following SNAP work requirements:

(i) Register for work or be registered by the State agency at the time of application and every 12 months after initial registration. The member required to register need not complete the registration form.

...

**(c) State agency responsibilities**

(1) State agency responsibilities

(i) The State agency must register for work each household member not exempted by the provisions of paragraph (b)(1) of this section. The State agency must permit the applicant to complete a record or form for each household member required to register for employment in accordance with paragraph (a)(1)(i) of this section. Household members are considered to have registered when an identifiable work registration form is submitted to the State agency or when the registration is otherwise annotated or recorded by the State agency.

(ii) During the certification process, the State agency must provide a written notice and oral explanation to the household of all applicable work requirements for all members of the household and identify which household member is subject to which work requirement. These work requirements include the general work requirement in paragraph (a) of this section, mandatory E&T in paragraph (a)(1)(ii) of this section, and the ABAWD work requirement at § 273.24. The written notice and oral explanation must be provided in accordance with (c)(1)(iii) of this section. This written notice and oral explanation must also be provided to the household when a previously exempt household member or new household member becomes subject to these work requirements, and at recertification.

(iii) The consolidated written notice must include all pertinent information related to each of the applicable work requirements, including: An explanation of each applicable work requirement; which individuals are subject to which work requirement; exemptions from each applicable work requirement; an explanation of the process to request an exemption (including contact information to request an exemption); the rights and responsibilities of each applicable work requirement; what is required to maintain eligibility under each applicable work requirement; pertinent dates by which an individual must take any actions to remain in compliance with each applicable work requirement; the consequences for failure to comply with each applicable work requirement; an explanation of the process for requesting good cause (including examples of good cause circumstances and contact information to initiate a good cause request); and any other information the State agency believes would assist the household members with compliance.

**(f) Failure to comply —**

(1) Ineligibility for failure to comply. A nonexempt individual who refuses or fails without good cause, as defined in paragraphs (i)(2), (3), and (4) of this section, to comply with SNAP work requirements listed under paragraph (a)(1) of this section is ineligible to participate in SNAP, and will be considered an ineligible household member, pursuant to § 273.1(b)(7).

(i) As soon as the State agency learns of the individual's noncompliance it must determine whether good cause for the noncompliance exists, as discussed in paragraph (i) of this section. Within 10 days of establishing that the noncompliance was without good cause, the State agency must provide the individual with a notice of adverse action, as specified in § 273.13. If the State agency offers a conciliation process as part of its E&T program, it must issue the notice of adverse action no later than the end of the conciliation period.

(ii) The notice of adverse action must contain the particular act of noncompliance committed and the proposed period of disqualification. The notice must also specify that the individual may, if appropriate, reapply at the end of the disqualification period. Information must

be included on or with the notice describing the action that can be taken to avoid the disqualification before the disqualification period begins. The disqualification period must begin with the first month following the expiration of the 10-day adverse notice period, unless a fair hearing is requested.

(iii) An E&T disqualification may be imposed after the end of a certification period. Thus, a notice of adverse action must be sent whenever the State agency becomes aware of an individual's noncompliance with SNAP work requirements, even if the disqualification begins after the certification period expires and the household has not been recertified.

(2) **Disqualification periods.** The following disqualification periods will be imposed:

(i) For the first occurrence of noncompliance, the individual will be disqualified until the later of:

- (A) The date the individual complies, as determined by the State agency;
- (B) One month; or
- (C) Up to three months, at State agency option.

(ii) For the second occurrence, until the later of:

- (A) The date the individual complies, as determined by the State agency;
- (B) Three months; or
- (C) Up to six months, at State agency option.

**Code of Federal Regulations, 7 CFR §273.24(b), provides in part:**

*General Rule.* Individuals are not eligible to participate in SNAP as a member of any household if the individual received SNAP benefits for more than three countable months during any three-year period, except that individuals may be eligible for up to three additional countable months in accordance with paragraph (3) of this section.

(1) **Countable months.** Countable months are months during which an individual receives SNAP benefits for the full benefit month while not:

- (i) Exempt under paragraph (c) of this section;
- (ii) Covered by a waiver under paragraph (f) of this section;
- (iii) Fulfilling the work requirement as defined in paragraph (a)(1) of this section;
- (iv) Receiving benefits that are prorated in accordance with § 273.10; or
- (v) In the month of notification from the State agency of a provider determination in accordance with § 273.7(c)(18)(i).

**West Virginia Income Maintenance Manual (IMM), Chapter 3, §3.2.1.D.2, ABAWD Eligibility, in part:**

For SNAP Assistance Groups, any individual who meets the definition of an ABAWD and who is normally required to be included in the AG can only receive benefits when he is otherwise eligible and:

- Meets the work requirements outlined below or meets an exemption listed below;
- Is in his first three-month period while not meeting the ABAWD work requirement or being exempt within the 36-month period; or
- Regains eligibility after meeting the ABAWD work requirement and is in his additional three-month period, which must be consecutive months.

**WV IMM, Chapter 3, §3.2.1.D.4, Exemptions from ABAWD Time Limits and ABAWD Work Requirements, in part:** An individual is exempt if he:

- Is certified as physically or mentally unfit for employment according to the provisions in Section 13.15

These exemptions qualify the individual to participate immediately, if otherwise eligible. These exemptions are only applicable to the ABAWD time limit and ABAWD work requirement and do not automatically exempt the individual from the SNAP work requirements in Chapter 14.

**WV IMM, Chapter 3, §3.2.1.D.6, Determining the Three-Month Limit:** Months in which the client received prorated benefits do not count toward the three-month limit. When an ABAWD is no longer meeting an exemption or the work requirement, the first countable month is the first full month after the ABAWD is screened for exemptions.

**WV IMM, Chapter 13, §13.15.3, Establishing a Client as Unfit for Employment,** in part:

This policy applies only to student policy, SNAP work requirements, and Able-Bodied Adults Without Dependents (ABAWD) policy. ... A client who does not meet the definition of disability and is not obviously unfit for employment will be requested to provide written verification from a licensed medical professional that the client is unfit for employment.

**WV IMM, Chapter 7, §7.3.38: Illness, Impairment, or Unfit for Work,** in part: When to verify, SNAP Only: Prior to exempting the individual from work and/or ABAWD requirements when the illness, impairment or unfit for work is not clearly obvious to a supervisor or senior worker. Exemption status must be reevaluated at redetermination. The DFA-DIMA-1 may be utilized for both SNAP and WV WORKS. It is the preferred method of verification.

## DISCUSSION

On March 18, 2026, the Respondent notified the Appellant that his SNAP benefits were being terminated as of April 1, 2026, because he had received SNAP for the first three-month period without meeting the ABAWD work requirement or being exempt and for failing to register with WFWV. The Appellant appeals the Respondent's decision. The Respondent must show by a preponderance of evidence that the Appellant failed to meet the ABAWD work requirement or meet an exemption and failed to register with WFWV.

The Appellant applied for SNAP benefits for an assistance group (AG) of 1 on December 12, 2025. The Appellant underwent his SNAP interview on December 17, 2025. At the conclusion of the interview, the Respondent's worker sent the Appellant a DIMA-1 for his physician to complete for a possible exemption to the ABAWD work requirements. On December 29, 2025, the Respondent determined that the DIMA-1 had not been returned. A written notification was issued to the Appellant informing him that he was considered an ABAWD. The notice included information regarding the ABAWD work rules and that he was required to register with WFWV by January 28, 2026, and that he must notify the Respondent once he had complied.

On March 17, 2026, the Respondent's worker determined that the Appellant had not complied with WFWV registration or met an exemption. A first work requirement penalty was applied to the Appellant. On March 18, 2026, the Respondent issued notification to the Appellant regarding his first work requirement penalty for his failure to register with WFWV to begin April 1, 2026.

On March 18, 2026, the Respondent issued notification to the Appellant that his SNAP benefits were being terminated on April 1, 2026, based on the application of his first work requirement penalty for failure to register with WFWV and for receiving three months of SNAP benefits without meeting the ABAWD work requirement or being exempt.

The Appellant explained that he was unaware of the SNAP work requirements and had not read the paperwork which was sent to him. The Appellant stated that when he had applied for SNAP benefits and when he filed this appeal, he was unable to work. However, he is now in the process of restarting his job and no longer needs the SNAP benefits. The Respondent's representative, Anna Yoder, testified that the interviewing worker noted in the Appellant's case comments that WFWV registration and ABAWD work requirements were discussed with the Appellant, which prompted the issuance of the DIMA-1 to the Appellant.

The Appellant did not contest the fact that he failed to submit a completed DIMA-1. The Appellant testified that he has not been working and only just recently began working. Because the Appellant did not meet an ABAWD work requirement or an exemption, he was only eligible for SNAP benefits for a three-month period. The Appellant received SNAP benefits for the months of January, February, and March 2026 without meeting a SNAP work requirement or an exemption. The Respondent correctly terminated the Appellant's SNAP benefits effective April 1, 2026.

The Appellant did not contest the fact that he failed to register with WFWV. State and federal regulations require an individual to register for work within 30 days of the date of initial SNAP approval and every 12 months thereafter as a condition of eligibility to receive SNAP benefits, unless exempt. An individual who fails to comply with registration by the due date established on the notice and to notify the department of compliance is subject to a SNAP penalty. The Respondent did send notification to the Appellant on December 30, 2025, regarding the need to register with WFWV by January 28, 2026, or meet an exemption. Because the Appellant failed to register with WFWV by January 28, 2026 or meet an exemption, the Respondent correctly applied a first work requirement penalty against the Appellant.

State and federal regulations limit the receipt of SNAP benefits to a period of three months without meeting ABAWD work requirements or an exemption. As the Appellant received SNAP benefits for a period of three months without meeting the work requirement or being exempt and he failed to register with WFWV prior to the application of his work requirement penalty, the Respondent's decision to terminate the Appellant's SNAP benefits is affirmed.

### **CONCLUSIONS OF LAW**

- 1) Federal and state regulations require a SNAP recipient who is considered an ABAWD to meet work requirements or an exemption. An ABAWD who does not meet work requirements or an exemption may only receive SNAP benefits for a three-month period.
- 2) The Appellant is considered an ABAWD for SNAP purposes and failed to meet work requirements or an exemption. The Appellant received SNAP benefits for the months of

January, February, and March 2026 without meeting an ABAWD work requirement or an exemption.

- 3) SNAP work requirements also require an individual to register with WFWV within 30 days of the date of initial SNAP approval, unless exempt. An individual who fails to comply with registration by the due date established on the notice and to notify the department of compliance is subject to a SNAP penalty.
- 4) The Appellant was notified on December 30, 2025, that he must register with WFWV or meet an exemption by January 28, 2026. The Appellant failed to register with WFWV and is subject to a SNAP penalty. This is the Appellant's first work requirement penalty.
- 5) The Respondent correctly applied a first work penalty to the Appellant.

### **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Respondent's decision to terminate the Appellant's SNAP benefits.

**ENTERED this 28<sup>th</sup> day of April 2026.**

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Lori Woodward, Certified State Hearing Officer